

**ASSAULT ON A PEACE OFFICER -
PENALTY AMENDMENT**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Jon J. Greiner

LONG TITLE

General Description:

This bill modifies the Criminal Code by increasing the penalty for assault on a peace officer.

Highlighted Provisions:

This bill:

- ▶ increases the penalty for committing an assault against a peace officer from a class A misdemeanor to a third degree felony; and
- ▶ provides a definition of "peace officer."

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-102.4, as last amended by Chapter 172, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-5-102.4** is amended to read:

76-5-102.4. Assault against peace officer -- Penalty.



28 (1) As used in this section, "peace officer" means a law enforcement officer certified
29 under Section 53-13-103.

30 ~~[(1)]~~ (2) Any person who assaults a peace officer, with knowledge that he is a peace
31 officer, and when the peace officer is acting within the scope of his authority as a peace officer,
32 is guilty of a ~~[class A misdemeanor]~~ third degree felony.

33 ~~[(2)]~~ (3) A person who violates this section shall serve, in jail or another correctional
34 facility, a minimum of:

35 (a) 90 consecutive days for a second offense; and

36 (b) 180 consecutive days for each subsequent offense.

37 ~~[(3)]~~ (4) The court may suspend the imposition or execution of the sentence required
38 under Subsection ~~[(2)]~~ (3) if the court finds that the interests of justice would be best served
39 and makes specific findings concerning the disposition in writing or on the record.

Legislative Review Note
as of 11-29-06 5:04 PM

Office of Legislative Research and General Counsel

H.B. 70 - Assault on a Peace Officer - Penalty Amendment

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will require additional appropriations for increased Judicial Branch and Department of Corrections workload cost increases. The Courts would receive an additional \$44,300 in both FY 2008 and FY 2009. The Department of Corrections would require \$160,400 in FY 2008 and \$320,700 in FY 2009. Costs are expected to stabilize at the FY 2009 level.

	<u>FY 2007 Approp.</u>	<u>FY 2008 Approp.</u>	<u>FY 2009 Approp.</u>	<u>FY 2007 Revenue</u>	<u>FY 2008 Revenue</u>	<u>FY 2009 Revenue</u>
General Fund	\$0	\$204,700	\$365,000	\$0	\$0	\$0
Total	\$0	\$204,700	\$365,000	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for law abiding individuals, businesses, or local governments.

12/27/2006, 11:53:00 AM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst